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Judge to Set Ellsberg's Trial Date

U.S. District Court Judge W. Matt Byrne Jr. yesterday told prosecution and defense lawyers in the Pentagon papers case to meet in his Los Angeles courtroom next Tuesday to set a date, probably in early December, for resumption of the trial of Daniel Ellsberg and Anthony Russo.

The trial was suspended last July during a dispute over how to handle the disclosure of a government wiretap that overheard a defense attorney's telephone conversation.

But the Supreme Court declined Monday to consider Ellsberg's and Russo's appeal on that point, clearing the way for the case to continue.

Before opening statements in the trial can be presented, Byrne must rule on a defense motion to choose a new jury to replace the eight women and four men sworn in last July 21 and banned ever since from reading or talking about the case.